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Attorneys for Defendant  
UNITED AIRLINES, INC.

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

ROGER SOTO,  
  
Plaintiff,  
  
v.  
  
UNITED AIRLINES, INC.,  
  
Defendant.

Case No. 2:23-cv-02148-DJC-JDP

**DECLARATION OF EMILIO A.  
RODRIGUEZ IN SUPPORT OF  
DEFENDANT UNITED AIRLINES,  
INC.'S MOTION TO DISMISS, OR IN  
THE ALTERNATIVE, TO TRANSFER  
VENUE**

Date: March 28, 2024  
Time: 1:30 p.m.  
Ctm.: 10

Presiding Judge: Daniel J. Calabretta

Complaint Filed: September 27, 2023

I, EMILIO A. RODRIGUEZ, do hereby declare and state as follows:

1. I am an attorney at law at Littler Mendelson P.C., duly admitted to practice before the Federal Eastern District of California, and counsel of record for Defendant United Airlines, Inc. (“Defendant”) in this matter. I have personal knowledge of the facts stated herein. If called and sworn as a witness, I could and would competently testify hereto.

2. Attached hereto as Exhibit A is a true and correct copy of a search for airlines flights from Chicago, Illinois to Fresno, California from google flights<sup>1</sup> printed on January 3, 2024. The date range, May 14-May 16, 2024, was selected at random and shows that the only non-stop flight from Chicago, Illinois to Fresno, California takes approximately 4 hours and 42 minutes with a distance over 2,000 miles.

3. Attached hereto as Exhibit B is a true and correct copy of the Federal Court Management Statistics printed from <https://www.uscourts.gov/statistics/table/na/federal-court-management-statistics/2023/09/30-1> on January 3, 2024. At the time of reporting, the Eastern District of California identified 847 actions per judgeship, an average of 10.5 months from filing to disposition, with a median of 60.6 months from filing to trial. (Exhibit B at p. 2.) Conversely, The Northern District of Illinois identified 793 actions per judgeship, an average of 6 months from filing to disposition, with a median time to trial equaling 57.7 months. (Exhibit B at p. 1.)

4. On January 8, 2024, I sent Plaintiff’s counsel, Mr. Robert Barnes and Ms. Lexi Anderson, an email seeking to meet and confer with them regarding Plaintiff’s complaint’s deficiencies. On January 9, 2024, I again emailed Plaintiff’s counsel trying to meet and confer, but I received no response. On January 9, 2024, at or around 11:49 p.m. I called the Barnes Law attempting to meet and confer with Plaintiff’s counsel. Yet, neither Mr. Barnes nor Ms. Anderson

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<sup>1</sup> For ease of reference, the URL for flights from Chicago, Illinois to Fresno, California on May 14, 2024, to May 16, 2024 is as follows:  
<https://www.google.com/travel/flights/search?tfs=CBwQAhooEgoyMDI0LTA1LTE0agwIAhIIL20vMDFfZDRyDAgCEggybS8wbXp5NxooEgoyMDI0LTA1LTE2agwIAhIIL20vMG16eTdyDAgCEggybS8wMV9kNEABSAFwAYIBCwj8BmAEB&tfu=CmhDalJJTTJwUIRqZEVja2xuZG1kQIFVdEZVM2RDUnkwdExTMHRMUzB0TFhsc1puQXhNVUZCUVVGQIIxZFdNVEkwUjFwMmEyMUJFZ0pqS2hvTENKanlBUkFDR2dOVIUwUTRNSENZOGdFPQ&hl=en&gl=us&curr=USD>

1 were available to meet and confer. I left a detailed message with counsel's staff advising them of  
2 Defendant's intent to file the present motion.

3 5. Attached hereto as Exhibit C is a true and correct copy of my correspondence  
4 to Plaintiff's counsel on January 8, 2024, and January 9, 2024.

5 I declare under penalty of perjury under the laws of the United States and the State of California  
6 that the foregoing is true and correct.

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8 Executed on January 9, 2024, at Fresno, California.

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12 Emilio A. Rodriguez